



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0753-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Christine DUPUIS) Group Art Unit: 1617
)
Application No.: 09/663,183) Examiner: G. Mitchell
)
Filed: September 15, 2000)
)
For: COSMETIC COMPOSITION) Confirmation No.: 4212
COMPRISING AT LEAST ONE)
SILICONE/ACRYLATE)
COPOLYMER AND AT LEAST)
ONE NONIONIC POLYMER)
COMPRISING AT LEAST ONE)
VINYLLACTAM UNIT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.

Copies of U.S. patents are not enclosed.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicant should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicant is not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Actions filed in co-pending applications on the attached form.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents.

1. **EP 0 044 976** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
2. **EP 0 044 975** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith.
3. **EP 0 880 961** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, submitted herewith. This document is believed to be related to U.S. Patent No. 6,372,237.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 9, 2005

By: 
Deborah M. Herzfeld
Reg. No. 52,211

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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of

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Complete if Known

Application Number	09/663,183
Filing Date	September 15, 2000
First Named Inventor	Christine DUPUIS
Art Unit	1617
Examiner Name	G. Mitchell.
Attorney Docket Number	05725.0753-00

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US-5,277,899	01-11-1994	McCall	
	2	US-5,618,524	04-08-1997	Bolich, Jr. et al.	
	3	US-5,961,961	10-1999	Dobkowski et al.	
	4	US-6,372,237	04-16-2002	Boussouira et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

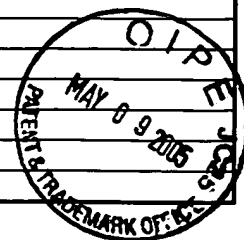
FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	5	EP-A 044 976	02-03-1982	Thoemel et al.		Abstract
	6	EP-A 044 975	02-03-1982	Thoemel et al.		Abstract
	7	EP-A 0 880 961	12-02-1998	Boussouira		Abstract

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
	8	W.R. Markland, "Sunscreens safe and effective cosmetic-drugs," Cosmetics and Toiletries, Vol. 91, March 1976, p. 79-81	
	9	English language Derwent Abstract of EP-A 044 976	
	10	English language Derwent Abstract of EP-A 044 975	
	11	English language Derwent Abstract of EP-A 0 9=880 961	
	12	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated October 25, 2001 (Ex. Wells)	
	13	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated August 13, 2002 (Ex. Wells)	
	14	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated May 9, 2003 (Ex. Wells)	
	15	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated August 22, 2003 (Ex. Wells)	

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	09/663,183
		Filing Date	September 15, 2000
		First Named Inventor	Christine DUPUIS
		Art Unit	1617
		Examiner Name	G. Mitchell.
Attorney Docket Number	05725.0753-00		
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NON PATENT LITERATURE DOCUMENTS			
	16	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated May 19, 2004 (Ex. Wells)	
	17	Office Action in co-pending Application No. 09/662,805 (Attorney Docket No. 05725.0751) dated March 24, 2005 (Ex. Mitchell)	
	18	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated June 6, 2001 (Ex. Yu)	
	19	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated December 3, 2001 (Ex. Yu)	
	20	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated April 11, 2002 (Ex. Yu)	
	21	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated October 22, 2002 (Ex. Yu)	
	22	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated July 1, 2003 (Ex. Yu)	
	23	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated May 19, 2004 (Ex. Yu)	
	24	Office Action in co-pending Application No. 09/664,402 (Attorney Docket No. 05725.0752) dated December 15, 2004 (Ex. Yu)	
	25	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated May 8, 2001 (Ex. Wells)	
	26	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated September 11, 2001 (Ex. Wells)	
	27	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated December 26, 2001 (Ex. Wells)	
	28	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated May 14, 2002 (Ex. Wells)	
	29	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated September 18, 2002 (Ex. Wells)	
	30	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated June 24, 2003 (Ex. Wells)	
	31	Office Action in co-pending Application No. 09/663,168 (Attorney Docket No. 05725.0754) dated January 11, 2005 (Ex. Mitchell)	
Examiner Signature			Date Considered